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Date: 03/10/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 026418
Docket No. JG-KM4818D/500576.20020 Group: 3721
Applicant(s): Noboru AIBA, et al.
Application No.: 09/690,377 Examiner: Sameh Tawfik
Filed: October 17, 2000
For: ANNULAR SUSTAINED RELEASE PHEROMONE-DISPENSER AND ITS INSTALLATION TOOL

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Sir:

Reconsideration and withdrawal of the rejection of claims 6 and 9 as being unpatentable under 35 USC 103 over the Coplan et al '030 patent in view of Sakurada et al '843 are requested. The examiner recognizes that Coplan does not disclose the pulling apart of the center portion to separate the central portion of each tube from the central portion of the other tube. The examiner relies on Sakurada et al as disclosing a similar method for preparing an annular sustained release pheromone-dispenser by pulling apart a central portion to separate the central portion of each tube from the central portion of the other tube and refers in this connection to Fig. 1, number 18 and column 14, lines 65-67 as well as column 15, lines 1 and 2.

The examiner further recognizes that Coplan does not "clearly" disclose the exact range of fusing of the tubes at 2-15 mm together at predetermined points. However, the examiner asserts that it would have been obvious to one with ordinary skill in this art to have modified Coplan's method by having the exact range of fusing the tubes at 2 and 15 mm together.

However, it is submitted that Coplan differs significantly from the present invention. Thus, Coplan's

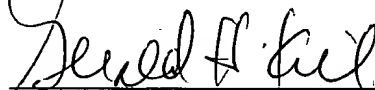
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filament conduit i.e., tube, has one open end and one closed end. The examiner's attention is directed to the abstract at lines 9-10, Fig. 1 and column 8, lines 53-58. In addition, the Examiner should review Figs. 4a and 4b as well as column 9, lines 44-48 where one open end and one closed end are clearly shown. If Coplan's filament were to be cut off at the fused portions, it would have both ends closed. However, this is not the case. Consequently, the method disclosed for obtaining the tube of Coplan is different from that presently claimed.

Moreover, contrary to the examiner's assertion with respect to Sakurada, the reference does not disclose a similar method for preparing an annular sustained release pheromone by pulling apart the central portion to separate the central portion of each tube from the center portion of the other tube. Thus, number 18 of Fig. 1 of this reference only shows what are referred to as "a cyclic tube" in which plural tubes are linked and integrated at both their ends (column 14, lines 67 – column 15, line 2). The reference is devoid of any information suggesting as to how this particular embodiment can be obtained. Certainly, there is no suggestion that the tubes are fused together along their entire length and then pulled apart in the middle while allowing the ends thereof to remain attached.

In contrast, the present invention as claimed is a method for doing exactly this. Sakurada et al contains no information which would suggest following such a procedure since it does not even provide any information as to how the embodiment of number 18 of Fig. 1 is obtained. Indeed, if one were to follow the language literally in the description of embodiment 18, it would seem that the plural tubes are linked and integrated at their ends and not along their entire length. Consequently, this reference teaches away from the procedure specifically recited in the present claims i.e., at best, it discloses linking the tubes together at their ends to avoid the necessity of having to pull them apart in the center portion. Accordingly, the rejection on this combination of references is untenable and should be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance and favorable reconsideration and prompt notice of allowance are earnestly solicited.

Respectfully submitted,



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